

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHNNY TIPPINS,
Plaintiff,

v.

PATRICK CARUSO, *et al.*,
Defendants.

Case No. 2:14-cv-10956
District Judge Stephen J. Murphy
Magistrate Judge Anthony P. Patti

**OPINION AND ORDER GRANTING PLAINTIFF'S MOTION TO SERVE
AMENDED COMPLAINT (DE 20)**

On February 25, 2015, this case was referred to me for all pretrial proceedings pursuant to 28 U.S.C. § 636(b)(1)(A). This matter is before the Court for consideration of Plaintiff Johnny Tippins' Motion to Reinforce Court Order. (DE 20.) The Court will construe Plaintiff's Motion as a request to serve his Amended Complaint on the remaining Defendants. For the reasons that follow, Plaintiff's Motion is **GRANTED**.

I. BACKGROUND

Plaintiff, a state prisoner proceeding without the assistance of counsel, filed his Complaint and Application to Proceed Without Prepayment of Fees on March 4, 2014, bringing claims under 42 U.S.C. § 1983. (DE 1 and 2.) The Court granted Plaintiff's Application on March 11, 2014. (DE 3.) On July 1, 2014, the

Court screened Plaintiff's Complaint pursuant to 28 U.S.C. § 1915(e)(2)(b) and ordered that the United States Marshal serve the Complaint on Defendants Patricia Caruso, Blaine Lafler, Barbara Meagher, George Kubin, and James C. Kelly without prepayment of the costs for such service. To date, none of the Defendants remaining in this action have been served.

Plaintiff filed a Motion to Amend Complaint on January 23, 2015. (DE 16.) The Court granted his Motion on March 3, 2015, with a requirement that Plaintiff file a fully Amended Complaint with all previously approved changes incorporated by March 27, 2015. (DE 18.) Plaintiff filed a document titled "Amended Complaint," along with the instant Motion, on March 23, 2015. (DE 19 and 20.) In his Motion, Plaintiff asks the Court to enforce its Order requiring the United States Marshals to effect service over the remaining Defendants.

As a preliminary matter, the Court will consider docket entries 1 and 19 as Plaintiff's fully incorporated Amended Complaint. After Plaintiff filed his initial Complaint, he filed three Motions to Amend, two of which were granted. Plaintiff, however, has not filed one copy of his fully Amended Complaint with all changes incorporated, as the Court ordered on March 3, 2015. Plaintiff did make a good faith attempt to comply with the Court's Order on March 23, 2015, by filing a document titled "Amended Complaint." (DE 19.) That handwritten document, however, only addresses the factual additions requested in his January 23, 2015

Motion to Amend. Nevertheless, Plaintiff is currently incarcerated and proceeding *pro se*. Because the Court holds *pro se* complaints to “less stringent standards than formal pleadings drafted by lawyers,” it will incorporate his initial Complaint with his Amended Complaint. *Haines v. Kerner*, 404 U.S. 519, 520 (1972). Plaintiff is cautioned that any future Motions to Amend Complaint **MUST** contain a copy of the fully Amended Complaint, with all prior versions and requested changes fully incorporated within a single document.

Plaintiff’s Motion to Reinforce the Court Order is **GRANTED** to the extent he asks that the United States Marshal to effect service of his Amended Complaint (DE 1 and 19) on Defendants Caruso, Lafler, Meagher, Kubin, and Kelly without prepayment of costs.¹ The United States Marshal is **DIRECTED** to serve the Amended Complaint on the above named Defendants without prepayment of costs for such service. The Marshal may collect the usual and customary costs from Plaintiff after effecting service.

IT IS SO ORDERED.

Dated: March 27, 2015

s/Anthony P. Patti

Anthony P. Patti

UNITED STATES MAGISTRATE JUDGE

¹ Plaintiff also asks the Court to give Defendants “a certain amount of time to respond to the original and Amended Complaint(s).” (Mot. ¶ 8, DE 20.) The Court declines to impose any deadline other than that provided in Federal Rule of Civil Procedure 12(a), which gives Defendants twenty-one days from the date of service to file a responsive pleading.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent to parties of record on March 27, 2015, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the
Honorable Anthony P. Patti
(313) 234-5200